

CURTIS WHEELER

IBLA 81-324

Decided April 27, 1981

Appeal from the decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease W-73267.

Affirmed.

1. Oil and Gas Leases: Applications: Filing--Oil and Gas Leases: Lands Subject To

Pursuant to 43 CFR 3112.1-1, all lands which are not within a known geologic structure of a producing oil and gas field and are covered by canceled or relinquished leases, leases which terminated for nonpayment of rental or leases which expired by operation of law at the end of their primary or extended terms, are subject to leasing only in accordance with the simultaneous filing system. The Bureau of Land Management has no discretion under the regulations to accept over-the-counter offers for such lands.

APPEARANCES: Curtis Wheeler, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Curtis Wheeler has appealed in part the decision of the Wyoming State Office, Bureau of Land Management (BLM), dated January 15, 1981, rejecting his noncompetitive over-the-counter oil and gas lease offer W-73267. This appeal involves only those lands in the offer within sec. 28, T. 14 N., R. 119 W., sixth principal meridian, Wyoming, which were previously included in an oil and gas lease (W-24588). This lease had expired June 30, 1980. The State office noted that under 43 CFR 3112 such lands are available for subsequent leasing only under the simultaneous filing system.

In his statement of reasons, appellant contends, essentially, that the lands should have been made available for leasing for his noncompetitive over-the-counter lease offer. There is no merit to this contention.

[1] The governing regulation 43 CFR 3112.1-1 provides as follows:

§ 3112.1-1 Availability of lands.

All lands which are not within a known geological structure of a producing oil or gas field and are covered by canceled or relinquished leases, leases which automatically terminate for non-payment of rental pursuant to 30 U.S.C. 188, or leases which expire by operation of law at the end of their primary or extended terms are subject to leasing only in accordance with this subpart. Other lands which are not within a known geological structure of a producing oil or gas field may be leased in accordance with this subpart. [Emphasis added.]

The subpart is entitled "Subpart 3112 -- Simultaneous Offers." The language of the regulation is mandatory. Under 43 CFR 3112.1-1, lands which are not within the known geologic structure of a producing oil and gas field and are covered by relinquished, terminated or expired leases are subject to further leasing only under the simultaneous system. John W. Foderick, 53 IBLA 258 (1981). BLM properly rejected appellant's offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Anne Poindexter Lewis  
Administrative Judge

We concur:

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James B. Burski  
Administrative Judge

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Bruce R. Harris  
Administrative Judge

